

OCT - 4 2005

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4 Attorney for Plaintiff Romeo Nacar

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 6 For The Northern Mariana Islands
 7 By _____
 8 (Deputy Clerk)

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 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE
 12 NORTHERN MARIANA ISLANDS

13 ROMEO P. NACAR,) CASE NO. CV 05-0005
14 Plaintiff,)
vs.) STIPULATION TO EXTENSION OF TIME
11 JOSE C. AYUYU, MARCIA AYUYU, M&N COMPANY, J.C.A. INC., a CNMI corporation and 12 MCDONALD'S RESTAURANTS OF SAIPAN, INC., a CNMI corporation,) TO AMEND COMPLAINT AND TO LEAVE TO AMEND COMPLAINT; [proposed] ORDER GRANTING LEAVE TO AMEND
Defendants.)

15 Plaintiff intends to seek leave of court to file a Second Amended Complaint in the above-
 16 captioned matter to add an additional party defendant as a joint employer of Plaintiff. The existence
 17 of the party was only made known to Plaintiff through discovery received recently from one of the
 18 existing Defendants. Further, although the deadline to amend expired last Friday, September 30,
 19 2005 (one business day ago), in order to facilitate discovery response extensions and to facilitate
 20 continued discussions regarding the inclusion/exclusion of particular defendants, the parties agreed
 21 prior to that date that the parties would jointly request that the Court extend the deadline for
 22 amending pleadings.

23 Pursuant to Fed. R. Civ. P. 15(a), at this stage of the litigation, leave of Court or written
 24 consent of the adverse party is required to file an amended complaint, "and leave shall be freely given
 25 when justice so requires." Accordingly, the parties, by and through their attorneys, hereby stipulate
 26 to an amendment pursuant to Rule 15(a) and to an extension of time to file such amendment, and
 27

1 respectfully request an order from this Court granting leave to amend the complaint in this matter
2 with such amendment to be filed on or before October 14, 2005.

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4 SO STIPULATED.

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6 Date: October 3, 2005

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MARK B. MANSON
Attorney for Plaintiff

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10 Date: 10-3-05

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F. MATTHEW SMITH
Attorney for Defendants
Jose & Marcia Ayuyu, M&N Company
and JCA Inc.

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14 Date: 10/4/05

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BRUCE L. MAILMAN
Attorney for Defendant
McDonalds Restaurants of Saipan, Inc.

1 ORDER
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3 Pursuant to the above-stipulation by the parties, and for good cause shown, the Court hereby
4 grants Plaintiff leave to file a second amended complaint. Plaintiff shall file such amended
5 complaint, if at all, on or before October 14, 2005.

6 SO ORDERED.
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8 DATE: 10-4-05


9 ALEX R. MUNSON
Chief Judge

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26 OCT - 4 2005
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Clerk
District Court
For The Northern Mariana Islands